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IFW RCE/13623

## Request

For

Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Application Number

09/751,144

Filing Date

Dec. 29, 2000

First Named Inventor

Peter Benda et al.

Art Unit

3623

Examiner Name

Romain Jeanty

Attorney Docket Number

13149US01

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 C.F.R. 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on August 12, 2004  
ii.  Other \_\_\_\_\_

b.  Enclosed

i.  Amendment/Reply  
ii.  Affidavit(s)/Declaration(s)

iii.  Information Disclosure Statement (IDS)  
iv.  Other \_\_\_\_\_

## 2. Miscellaneous

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b.  Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge additional fees, or credit any overpayments, to Deposit Account No.13-0017

i.  RCE fee required under 37 C.F.R. 1.17(e)  
ii.  Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii.  Other (additional fees)

b.  Check in the amount of \$ 770.00 enclosed

c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Troy A. Groetken	Registration No. (Attorney/Agent)	46,442
Signature		Date	Sept. 22, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Troy A. Groetken
Signature	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## FEE TRANSMITTAL for FY 2004

Patent Fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$770.00)

### Complete if Known

Application Number	09/751,144
Filing Date	Dec. 29, 2000
First Named Inventor	Peter Benda et al.
Examiner Name	Romain Jeanty
Group Art Unit	3623
Attorney Docket No.	13149US01

### METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
Deposit Account Name

13-0017
McAndrews Held & Malloy

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:  
 Check  Credit Card  Money Order  Other

### FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (2) (\$)					
SUBTOTAL (3) (\$)					

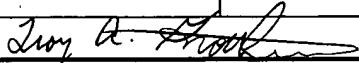
\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$770.00)

### SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Troy A. Groetken	Registration No. (Attorney or Agent)	46,442	Telephone	312-775-8000
Signature				Date	Sept. 22, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case No. 13149US01

PATENT

In the Application of:

PETER BENDA, et al. )  
Serial No.: 09/751,144 )  
Filed: December 29, 2000 )  
For: TRANSPORT VEHICLE CAPACITY )  
MAXIMIZATION LOGISTICS SYSTEM )  
AND METHOD OF SAME )  
Examiner: Romain Jeanty )  
Group Art Unit: 3623 )  
Confirmation No.: 9215 )

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on this date: September 22, 2004.

  
Signature

AMENDMENT AND RESPONSE UNDER 37 CFR 1.111

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Advisory Action dated September 15, 2004, and as discussed with the Examiner during a telephone conference of September 14, 2004, Applicants

respectfully request entry of the following amendment before consideration of the response on the merits:

Amendments to the Claims being on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

This particular Amendment and Response is being filed concurrently with Applicant's Request for Continued Examination.

Applicants also respectfully thank the Examiner for the entry of the previously submitted Amendment C After Final Under 37 C.F.R. § 1.116 submitted on August 12, 2004.